

## Remarks

Claims 1-27 are pending in this application. Applicants have amended claims 1-3, 5, 8, 9, 11-16, 18, 19, 22, and 24-27 to clarify the claimed invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner rejects claims 1-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,386,879 to Varshneya.

Varshneya does not disclose the present invention as recited in the claims since, among other things, Varshneya does not disclose a system that includes a fire simulation system that calculates an imagined trajectory of the simulated ammunition includes information in electromagnetic waves information related to coordinates in three-dimensional space for the calculated ammunition trajectory. Varshneya also does not disclose at least one target that includes a hit simulation system that determines based on the information in the electromagnetic waves whether a target has been hit. Rather, Varshneya discloses a system in which a target system calculates a hit location in relation to a target based on documentation provided by a firing system. The documentation includes the geographical position, speed and direction of the firing system at the instant of firing, and alignment of the weapon. The target system then processes the documentation along with its own information to determine an impact point.

Because the fire simulation system of the claimed invention calculates the trajectory and sends the trajectory to the target, the claimed invention permits realistic simulation of

ammunition that is guided by the gunner or observer/forward observer, where the trajectory of the ammunition can be corrected after firing. For example, the invention recited in claim 1 can realistically simulate weapons with which a gunner can switch targets during the flight of the ammunition by adjusting the trajectory with a joystick. This adjustment may be sent to the target system. This is not possible with the system disclosed by Varshneya.

Additionally, Varshneya discloses a system that is particular to a certain type of weapon. Along these lines, Varshneya discloses a system that is based on the simulation of target input prior to firing so that it can then communicate with the weapon system of the tank for any alignment adjustments. Such a solution is not generally applicable to other types of weapons. On the other hand, the invention recited in claim 1 is more general in nature, and permits the presence of operative range finders, identification equipment, laser pointers, among other equipment, but is not based on the presence of any one type of weapon.

In view of the above, Varshneya does not disclose all elements of the invention recited in claims 1-27. Since Varshneya does not disclose all elements of the invention recited in claims 1-27, the invention recited in claims 1-27 is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir.

1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the claimed invention. Therefore, the reference relied upon in the office action does not make the claimed invention obvious. Accordingly, Applicants submit that the claimed invention is patentable over the cited reference and respectfully request withdrawal of the rejection based on the cited reference.

If an interview would advance the prosecution of this application, Applicants respectfully urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Dated: June 4, 2009

Respectfully submitted,

Electronic signature: /Eric J. Franklin/

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